IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18039 of 2004

Between:

M/s. Amalgamated Holdings Limited, 6-3-571/1/5, Ist Floor, Rockvista, Rockdale Compound, Somajiguda, Hyderabad, Rep. by its Manager, Sri Ravi Kumar Dasika.

... PETITIONER

AND

1 Commercial Tax Officer, Kairtabad Circle, Hyderabad.
2 Appellate Deputy Commissioner (CT), Punjagutta Division, Hyderabad.
3 Additional Commissioner (CT) (L) (FAC), Andhra Pradesh, Hyderabad.
4 Manager, HDFC Bank, Lakdi-ka-pool, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Certiorari after calling for the records and quash the garnishee notice issued by the first respondent and served on the petitioner on 28-09-2004.

Counsel for the Petitioner: MR.SKRISHNA MURTHY

Counsel for the Respondents : GP FOR COMMERCIAL TAX

The Court made the following :

ORAL ORDER: (Per Sri Bilal Nazki , J)

Heard the learned counsel for the parties. With their consent, the writ petition is disposed of at this stage.

The grievance of the petitioner is that pending appeal he filed stay application. Stay application was heard on 23.09.2004 and orders have been reserved. Meanwhile, Section 17 Notice was issued on 28.09.2004 and the Department has already collected Rs.3,65,000/- out of the disputed tax of Rs.5,82,081/-. Since the stay application has been heard and no orders have been passed and the Department has already collected more than 50% of the disputed tax, we stay the operation of Section 17 notice and direct that coercive steps shall not be taken against the petitioner till the disposal of the appeal.

Writ petition is disposed of accordingly. No costs.

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(**BILAL NAZKI, J**)

11th October, 2004.

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(**S.ANANDA REDDY, J**)

Note: Operative portion by wire

at party's cost.

(B/o) pan

To

1 Commercial Tax Officer, Kairtabad Circle,
Hyderabad.

2 Appellate Deputy Commissioner (CT),

Punjagutta Division, Hyderabad.

3. Additional Commissioner (CT) (L) (FAC),

Andhra Pradesh, Hyderabad.

4 Manager, HDFC Bank, Lakdi-ka-pool, Hyderabad.

5 Two C.Cs to the Govt.Pleader for Commercial Taxes,

High Court buildings, Hyderabad. (OUT)

6 Two C.D.copies.